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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/057,749	04/09/1998	MALCOM B. STRANDBERG	DAVOX-144XX	6738

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BOURQUE & ASSOCIATES, P.A.
835 HANOVER STREET
SUITE 303
MANCHESTER, NH 03104

EXAMINER
TIEU, BENNY QUOC

ART UNIT	PAPER NUMBER
2642	20

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/057,749	Applicant(s) STRANDBERG, MALCOM B.
	Examiner Benny Q. Tieu	Art Unit 2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 March 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 8-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 8-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *17* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 3-6, and 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. (U.S. Patent No. 5,884,032) in view of Grossman et al. (U.S. Patent No. 5,436,965), Srinivasan (U.S. Patent No. 5,185,782), and Nichols et al. (U.S. Patent No. 4,748,511).

Regarding claims 1 and 10, Bateman teaches a system and method for providing a telephone call back to a customer with a computer equipment who uses WWW servers (computer network) to access information from an organizations databases, then needs help from a human ACD agent, and requests for a callback (Abstract). Bateman fails to teach an automated dialer system including a call back campaign manager, a call scheduler, and a predictive dialer. However, these features are well known in the art and taught by Grossman. Grossman teaches a call record scheduling system and method including outbound telephone contact campaigns (Abstract), a call scheduler (column 2, lines 56-61), and predictive dialer (column 4, lines 7-12). Both Bateman and Grossman fail to teach redialing a busy telephone number. However, Srinivasan teaches a system and method wherein if a call does not get through, the arrangement repeatedly periodically repeats placing of the outgoing call (redial), until the call gets through

(Abstract, lines 14-16). The difference is that Srinivasan teaches redialing periodically rather than immediately. However, immediately redialing a busy line is a well known feature in the art of telecommunications. For example, Nichols teaches a teleradiology system wherein a modem dials a number and tries to establish a link. If the line is busy, the modem will immediately redial the number three times before giving up (column 26, lines 42-45). Modifying periodically redialing into immediately redialing lies under a normal capability of a skilled person in the art of telecommunications. Since Bateman, Grossman, as well as Srinivasan teach the system and method concerning a call center, they could be combined by a skilled person in the art. In addition, Nichols and Srinivasan are related by a telecommunication system, a person skilled in the art would use the teachings of Nichols into Srinivasan. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of call scheduler, predictive dialer as taught by Grossman, and the use of immediately redial as taught by Srinivasan and Nichols into the system and method as disclosed by Bateman in order to allow a customer using a data network to be called back by an available agent of a call center, and in case the line of the customer is busy, the call is immediately redialed until the call is answered by the customer. It should be noticed that Bateman teaches the network including the feature that a telephone line used to access a computer network is the same telephone line which is used for call back purpose (column 6, line 66 to column 7, line 13 and column 10, lines 55-58). Also, an option of immediately call back is described (column 6, lines 23-25 and column 7, lines 51-54).

Regarding claim 3, Bateman further teaches the computer network interface interfaces the computer network to agent terminals connected to the automated dialer system (Fig. 1).

Regarding claim 4, see Bateman, column 6, lines 15-30.

Regarding claim 5, see Bateman, column 6, line 24.

Regarding claim 6, see Bateman, column 7, lines 43-61.

Regarding claims 8 and 9, Bateman fails to teach the call back data is transmitted over a global computer network using a CGI script or a JAVA language script. However, this is a design choice and lies fully under a capability of a person skill in the art.

Regarding claims 11 and 13, Bateman fails to teach the method wherein the step of redialing includes continuously redialing the at least one of telephone numbers until an answer is detected. However, Srinivasan teaches this feature (Abstract, lines 14-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of redialing as taught by Srinivasan into the method as disclosed by Bateman in order to offer the customer a call back service successfully.

Regarding claim 12, see Bateman, column 6, lines 55-57.

Regarding claim 14, Bateman further teaches the method wherein the call back data includes at least one time to be called back, wherein at least one of the telephone numbers is scheduled according to the time to call back (column 6, lines 23-25).

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. in view of Grossman et al. and Srinivasan as applied to claim 1 above, and further in view of Szlam et al. (U.S. Patent No. 5,828,731).

Regarding claim 2, Bateman, Grossman, and Srinivasan fails to teach the system wherein the predictive dialer includes a call pacer that paces dialing of the telephone numbers according to a call pacing algorithm. However, Szlam teaches an apparatus for non-offensive termination

of an outbound call wherein the call pacing algorithm be adjusted to err on the side of calling too many parties rather than too few parties in order to maximize the utility of the agents. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of pacing algorithm as taught by Szlam into the system as disclosed by Bateman, Grossman, and Srinivasan in order to maximize the utility of the agents.

4. Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dezonno et al. (U.S. Patent No. 5,991,394) in view of Srinivasan (U.S. Patent No. 5,185,782), and Nichols et al. (U.S. Patent No. 4,748,511).

Regarding claims 1 and 10, Dezonno teaches a method and system for establishing voice communications between a computer user and an agent of a business over a computer network. The computer user is offered a callback at time of the user choice correspond to a request from the user. The system as taught by Dezonno includes a computer network interface and an automated dialer system. The automated dialer system comprises a call back campaign manager, a call scheduler, and a telephone number dialer (see entire patent). Dezonno differs from the claimed invention in that Dezonno fails to teach the feature of immediately redial in case a line of a telephone number to be dialed is busy. However, Srinivasan teaches a system and method wherein if a call does not get through, the arrangement repeatedly periodically repeats placing of the outgoing call (redial), until the call gets through (Abstract, lines 14-16). The difference is that Srinivasan teaches redialing periodically rather than immediately. However, immediately redialing a busy line is a well known feature in the art of telecommunications. For example, Nichols teaches a teleradiology system wherein a modem dials a number and tries to establish a

link. If the line is busy, the modem will immediately redial the number three times before giving up (column 26, lines 42-45). Modifying periodically redialing into immediately redialing lies under a normal capability of a skilled person in the art of telecommunications. Since Dezonno as well as Srinivasan teach the system and method concerning a call center, they could be combined by a skilled person in the art. In addition, Nichols and Srinivasan are related by a telecommunication system, a person skilled in the art would use the teachings of Nichols into Srinivasan. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of immediately redial as taught by Srinivasan and Nichols into the system and method as disclosed by Dezonno in order to allow a customer using a data network to be called back by an available agent of a call center, and in case the line of the customer is busy, the call is immediately redialed until the call is answered by the customer.

Response to Arguments

5. Applicant's arguments filed March 26, 2002 have been fully considered but they are not persuasive.

Applicant's invention concerns an immediate call back after a call back request even though the line is busy. Applicant correctly points out that Srinivasan teaches periodically retrying a busy telephone line. However, even if Applicant's opinion is correct that "periodically" is "not immediately", in the previous Office Action, Examiner states that Nichols patent supports redial is immediate which is missing in Srinivasan. Nichols teaches that if the line is busy, the modem will immediately redial the number three times before giving up (column

26, lines 42-45). Therefore, Examiner believes that Office Action is proper. Applicant should notice that claim 10 does not even claim **immediately redialing** feature.

In response to Applicant's arguments on page 4, Examiner disagrees with Applicant in that "call pacer that paces dialing of said telephone numbers" is not taught or made obvious by the prior art. Clearly, Szlam teaches a call pacing algorithm where the called number is concerned when it is busy (Figs. 2A & 2B, column 5, line 28 through column 6, line 67). Therefore, the system of claim 1 with call pacing algorithm made obvious by the prior art.

With respect to Applicant's arguments on page 5, Examiner agrees that Dezonno fails to teach immediately dial back the inquiring party and make the call back immediate as the line is busy. However, as discussed above, Nichols supports that feature. Therefore, Examiner believes the prior art cited in the Office Action is accurate and can be combined to form the claim invention.

Conclusion

6. This is a RCE of applicant's earlier Application No. 09/057,749. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

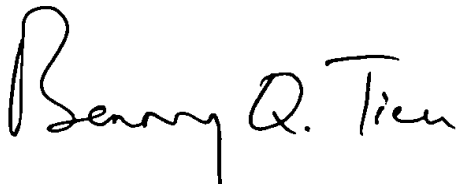
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is (703) 305-2360. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



Benny Q. Tieu
Examiner
Art Unit 2642

BQT
November 14, 2002